

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-00206-F-1

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
MARGO JOANN LEWIS,)	
Defendant.)	

This matter is before the court on Defendant's letter motion [DE-21] addressed to the undersigned. Defendant requests that the court enter an order maintaining her monthly restitution payments at \$50 per month while she is incarcerated.

In its Judgment, the court ordered Defendant to pay \$1,137,217.68 in restitution to the Internal Revenue Service. *See* Judgment [DE-19]. The court further ordered as follows:

The special assessment imposed shall be due in full immediately. Payment of restitution shall be due in full immediately. However, if the defendant is unable to pay in full immediately, the special assessment and restitution may be paid through the Inmate Financial Responsibility Program. The court, having considered the defendant's financial resources and ability to pay, orders that any balance still owed at the time of release shall be paid in installments of \$100 per month to begin 60 days after the defendant's release from prison. At the time of the defendant's release, the probation officer shall take into consideration the defendant's ability to pay the restitution ordered and shall notify the court of any needed modification of the payment schedule.

Id.


Because Defendant's motion challenges the implementation of the restitution portion of her sentence, the undersigned construes the motion as a petition for habeas corpus relief under 28 U.S.C. § 2241. *See United States v. Gripper*, 224 Fed. Appx. 219, 220 (4th Cir. 2007). A § 2241 petition must be brought in the district in which the petitioner is incarcerated. *See In re*

Jones, 226 F.3d 328, 332 (4th Cir. 2000). Defendant is confined in Alderson, West Virginia.

In light of the foregoing, Defendant's letter motion [DE-21] is DENIED without prejudice to Defendant to re-file in the district where she is confined.

SO ORDERED.

This, the 1st day of July, 2013.



JAMES C. FOX
Senior United States District Judge